

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/688,207	WEISS, GERHARD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bernard E Souw	2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/17/2003.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ The drawings filed on 17 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>04/09/2004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                 | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment has been given during a phone conversation on June 28, 2004, with Applicants' Attorney, Mr. Philip L. Conrad, Esq., Reg. No. 34,567.

#### **In the claims:**

##### **1.1. In claim 1:**

Delete the entire claim 1, and substitute:

-- *Time-of-flight mass spectrometer, comprising:*

*(a) two pairs of cylindrical surfaces, each covering a 254.56° curvature angle, each pair forming the inner and outer electrodes of a capacitor, whereby the two cylindrical capacitors are supplied with deflecting potentials for guiding ions and positioned in such a way that the flight paths of the ions consist of circular and linear sections that combine to form a figure 8; and*

*(b) an electrically conductive housing, which encloses the linear sections of the flight paths between the two cylindrical capacitors and has a potential that is different than the mid potential between the capacitors. –*

1.2. In claim 3, line 1:

After "according to", prior to "in", delete [*Claim 1, wherein in each case*] and insert  
-- *Claim 2, wherein for each cylindrical capacitor* --

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), (DE 102 48 814.2), which papers have been placed of record in the file.

***Information Disclosure Statements***

3. The information disclosure statement (IDS) submitted on 04/09/2004 was filed after the mailing date of the Application on 10/17/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner (see attached PTO-1449 #1).

4. The information disclosure statement (IDS) submitted by fax to the examiner on 06/29/2004 was filed after the mailing of the first office action, but before the prosecution closes. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner (see attached PTO-1449 #2).

***ALLOWANCE***

5. Claims 1- 4 are allowed.

### ***Reasons for Allowance***

6. The following is an examiner's statement of reasons for allowance:

A time-of-flight mass spectrometer, comprising two pairs of cylindrical surfaces, each covering a 254.56° curvature angle, each pair forming the inner and outer electrodes of a capacitor, whereby the two cylindrical capacitors are supplied with deflecting potentials for guiding ions and positioned in such a way that the flight paths of the ions - -which consist of circular and linear sections-- combine to form a figure 8, of which the linear flight paths between the two cylindrical capacitors are enclosed in an electrically conductive housing having a potential different than the mid potential between the capacitors, has not been anticipated or rendered obvious by any prior art.

Claims 2-4 are also allowed because of their dependencies, either directly or indirectly, upon claim 1.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Communications***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 571-272-


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2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571 272 2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

bes  
June 30, 2004

  
JOHN R. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800